DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

| DISTRICT OFFICE: FILE NUMBER: | | | _ | CESWG-P D-16702 (| | | | | |
|---|---------------|--|-------------|----------------------|---------------|---------------------|---------------|--------------------|--------------|
| REGULATORY PROJECT M | IANAGE | R: | _ | J. Wong | | | Date:8 | Mar 2005 | _ |
| PROJECT REVIEW/DETER | MINATIO | ON COM | PLETED | : In t | he office | (Y/N) site (Y/N) | | Date: <u>8 M</u> ; | <u>ar 05</u> |
| PROJECT LOCATION INFO | RMATIC | ON: | | | | | | | |
| State: | | | | | | <u>Texas</u> | | | |
| County: | | | | | | _Hidalg | | · | - |
| Center coordinates o | f site by la | atitude & | longitudi | inal coordii | nates: | Lat 26- | -19-16 Lon | g 97-56-08 | |
| Approximate size of | site/prope | erty (inclu | iding upla | ands & in a | cres): | _1 <u>.0 acr</u> | es | | |
| Name of waterway o | | | | | | North | Floodway | | |
| SITE CONDITIONS: | 0.1 | 1 | 125 | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear | Unknown |
| Type of aquatic resource ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | feet | Unknown |
| Lake | | | | | | | | | |
| River | | | | | ļ <u> </u> | | | | ļ |
| Stream | | | <u>.</u> | | | | ļ | | |
| Dry Wash | | | | 1 | ļ | | | | |
| Mudflat | | ļ | | | | | | + | |
| Sandflat | | | ļ | | | | | - | |
| Wetlands | X | | | | ļ <u>-</u> | | | | |
| Slough | | | | | | | | - | |
| Prairie pothole | | <u> </u> | ļ | | | | | | |
| Wet meadow | | | | | | ļ | | - | |
| Playa lake | | | | | | | | | |
| Vernal pool | | | | | | · · · · · · | | | - |
| Natural pond | | | <u> </u> | | | | <u> </u> | | |
| Other water (identify type) | - | | | | | | | | |
| ¹ Check appropriate boxes that be jurisdictional aquatic resource ar | | type of iso | olated, non | -navigable, i | ntra-state wa | ter present ar | ıd best estim | ate for size o | f non- |

| Migratory Bird Rule Factors¹: | If K | nown | ì | If Unknow Use Best Professiona | |
|---|------|------|-----------------------|-----------------------------------|-----------------------------------|
| • | Yes | No | Predicted to Occur | Not Expected to Occur | Not Able To Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties? | | | | | X |
| Is or would be used as habitat by other migratory birds that cross state lines? | , | | | | X |
| Is or would be used as habitat for endangered species? | | | | X | |
| Is used to irrigate crops sold in interstate commerce? Check appropriate boxes that best describe potential for applie | | X | | | |

TYPE OF DETERMINATION:

| Preliminary | Or | Approved | <u>X</u> |
|-------------|----|----------|----------|
|-------------|----|----------|----------|

OPITIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): No parent waterway in near vicinity.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

CESWG-PE-RCC

| DISTRICT OFFICE: | | | | CESWG-I | PE-RCC | | | | | |
|---|---------------|-------------|-------------|-----------------|---------------|----------------|---------------|------------------|---------------|--|
| FILE NUMBER: | | | _ | D <u>-16702</u> | (DS3) | | | | | |
| REGULATORY PROJECT | MANAGE | R: | _ | J. Wong | | | Date:8 | Mar 2005 | | |
| PROJECT REVIEW/DETE | RMINATIO | ON COM | PLETED | | the office | | | Date: <u>8 M</u> | a <u>r 05</u> | |
| PROJECT LOCATION IN | FORMATIC | ON: | | | | ` ^ | _ | | | |
| State: | | | | | | Texas | | | | |
| County: | | | | | | Hidalg | 0 | | | |
| Center coordinates | of site by b | atitude & | longitud | inal coordi | nates: | Lat 26 | -19-13 Lor | ıg 97-55-47 | - | |
| Approximate size | of cita/prope | rtv (incl | iding unl | ands & in a | cres). | 1.0 acr | | | _ | |
| Name of waterway | | | iding upi | ands & m a | ici csy. | | Floodway | | | |
| Name of waterway | or watersh | eu. | | | | North | 1 1000 WAY | | | |
| SITE CONDITIONS: | | | | | | | | | | |
| Type of aquatic resource ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear feet | Unknown | |
| Lake | | | | | | 1 | | | | |
| River | | | | | | | | | | |
| Stream | | | | | | | | | | |
| Dry Wash | | | | | | <u> </u> | | | | |
| Mudflat | | | | | | | <u> </u> | | - - | |
| Sandflat | | | <u> </u> | | | | | | | |
| Wetlands | X | | | | | <u> </u> | ļ | | | |
| Slough | | <u> </u> | | | | | | | | |
| Prairie pothole | | | | | | | | | | |
| Wet meadow | | | <u> </u> | | | | | ļ | | |
| Playa lake | | | ļ | | | ļ <u>.</u> | | | | |
| Vernal pool | | ļ | | | | ļ | | | | |
| Natural pond | | | <u>.</u> | | | | ļ | | | |
| Other water (identify type) | | j | | | | | | | | |
| | | <u></u> | <u> </u> | | | <u></u> | | | <u> </u> | |
| ¹ Check appropriate boxes that jurisdictional aquatic resource | | type of iso | olated, non | -navigable, i | ntra-state wa | ter present ai | nd best estin | nate for size o | ı non- | |
| | | | | | | | | | | |

| Migratory Bird Rule Factors ¹ : | If K | nown | | If Unknow Use Best Professiona | |
|---|---------------|-------------|-----------------------|-----------------------------------|-----------------------------------|
| | Yes | No | Predicted to Occur | Not Expected to Occur | Not Able To Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties? | | | | | X |
| Is or would be used as habitat by other migratory birds that cross state lines? | | | | | X |
| Is or would be used as habitat for endangered species? | l | | | X | |
| Is used to irrigate crops sold in interstate commerce? | | X | | | |
| ¹ Check appropriate boxes that best describe potential for application non-navigable, intra-state aquatic resource area. | cability of t | he Migrator | ry Bird Rule to | apply to onsite, non- | jurisdictional, isolate |

TYPE OF DETERMINATION:

| | Approved | Or | Preliminary |
|--|----------|----|-------------|
|--|----------|----|-------------|

OPITIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): No parent waterway in near vicinity.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

| DISTRICT OFFICE: FILE NUMBER: | | | _ | CESWG-P I-4361 | E-RCC | | | | |
|---|-----------------------------|--------------------------|-----------------------|-----------------------------|------------------|----------|------------|--|---------|
| REGULATORY PROJECT M | MANAGE | R: | | J. Wong | | | Date:3 | Feb 2005 | - |
| PROJECT REVIEW/DETER | MINATIO | ON COM | PLETED | | he office | | | Date: <u>3 Fe</u> Date: <u>18 A</u> | |
| PROJECT LOCATION INFO State: County: Center coordinates o Approximate size of Name of waterway o SITE CONDITIONS: | of site by la site/prope | atitude & erty (inclu | longitud Iding upl | inal coordir ands & in a | nates: cres): | 0.60 ac | -23-10 Lon | g 97-23-19 ay | - |
| Type of aquatic resource ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear feet | Unknown |
| Lake | | | | | | | | | |
| River | | | | | | | | | |
| Stream | | | | | | | | | |
| Dry Wash | | | | | | | | | |
| Mudflat | | | | | | | | | |
| Sandflat | | I | | | | | | | |
| Wetlands | X | | | ļ | | | | | |
| Slough | | | | | | | | | |
| Prairie pothole | | | | | | | | | |
| Wet meadow | | | | | | | | | |
| Playa lake | | | | | | | _ | | |
| Vernal pool | | | | | | | | | |
| Natural pond | | | | | | | | | |
| Other water (identify type) | | | | | | | | | |

| Migratory Bird Rule Factors¹: | If Kı | own | If Unknown Use Best Professional Judgment | | | |
|---|-------|-----|---|--------------------------|-----------------------------------|--|
| | Yes | No | Predicted to Occur | Not Expected to Occur | Not Able To Make Determination | |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties? | | | | | X | |
| Is or would be used as habitat by other migratory birds that cross state lines? | | | | | X | |
| Is or would be used as habitat for endangered species? | | _ | | X | | |
| Is used to irrigate crops sold in interstate commerce? Check appropriate boxes that best describe potential for applic | | X | | | | |

Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-

non-navigable, intra-state aquatic resource area.

| TYPE | OF | DETER | MINA | :NOIT |
|------|----|-------|------|-------|
|------|----|-------|------|-------|

jurisdictional aquatic resource area.

| Preliminary Or Approved A | Preliminary | Or | Approved | X |
|---------------------------|-------------|----|----------|---|
|---------------------------|-------------|----|----------|---|

OPITIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Also previously determined isolated NWP26.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

| DISTRICT OFFICE: FILE NUMBER: | | | _ | | ston (SWG_ 829 | | | | |
|---|---------------|--|--------------|-------------|-------------------------------|------------|-----------------------------|-------------------------|--------------|
| REGULATORY PROJECT | MANAGE | R: | _ | _Reagan Ri | chter | | Date: _05 January 2005_ | | |
| PROJECT REVIEW/DETE | RMINATIO | ON COM | PLETED | | he office _Y the project s | | Date:0 Date: 12/0 | 1/05/05)7/04 & 12/2 | 21/04 |
| PROJECT LOCATION INF | ORMATIC | ON: | | | F3 | | | | |
| Stata. | | | | | | Texas | s | | |
| County: Center coordinates | | | | | | San I | atricio | | - |
| Center coordinates | of site by Is | atitude & | langitudi | inal coordi | nates: (NA | D 27) N27º | 52' 19.6" | W97 ⁰ 13' | 43.4" |
| Approximate size o | f site/nrone | erty (inclu | iding unk | ands & in a | cres). | 2 2//11/2/ | 38.0 acres | | |
| Name of waterway | ar watersk | adı adı | g upir | us 🗫 III A | ,, | | _56.6 heres_ h Corpus Cl | hristi Rav | |
| Name of waterway | or watersh | eu. | | | | 110111 | ii Coi pus Ci | iii isti Day | |
| CONDITIONS | | | | | | | | | |
| SITE CONDITIONS: | | | | | | | | | |
| | | 1 | 1 2 5 | T = 40 | T 10.05 | 35.50 | 1 . 50 | 1 7 | T VI.1 |
| Type of aquatic resource ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear feet | Unknov |
| | | | | | | | + | leet | - |
| Lake | | | + | 1 | - | | | + | |
| | | | | | | | | | |
| River | | | | | · | <u> </u> | | | + |
| River Stream | | | | | | | | | |
| River Stream Dry Wash | | | | | | | | | |
| River Stream Dry Wash Mudflat | | | | | | | | | |
| River Stream Dry Wash Mudflat Sandflat | | | | | V | | | | |
| River Stream Dry Wash Mudflat Sandflat Wetlands | | | | | X | | | | |
| River Stream Dry Wash Mudflat Sandflat Wetlands Slough | | | | | X | | | | |
| River Stream Dry Wash Mudflat Sandflat Wetlands Slough Prairie pothole | | | | | X | | | | |
| River Stream Dry Wash Mudflat Sandflat Wetlands Slough Prairie pothole Wet meadow | | | | | X | | | | |
| River Stream Dry Wash Mudflat Sandflat Wetlands Slough Prairie pothole Wet meadow Playa lake | | | | | X | | | | |
| River Stream Dry Wash Mudflat Sandflat Wetlands Slough Prairie pothole Wet meadow Playa lake Vernal pool | | | | | X | | | | |
| River Stream Dry Wash Mudflat Sandflat Wetlands Slough Prairie pothole Wet meadow Playa lake Vernal pool Natural pond | | | | | X | | | | |
| River Stream Dry Wash Mudflat Sandflat Wetlands Slough Prairie pothole Wet meadow Playa lake Vernal pool | | | | | X | | | | |
| River Stream Dry Wash Mudflat Sandflat Wetlands Slough Prairie pothole Wet meadow Playa lake Vernal pool Natural pond | | | | | X | | | | |

| ** *** | nown | 1 | If Unknowi Use Best Professional | |
|--------|------|-----------------------|-------------------------------------|-----------------------------------|
| Yes | No | Predicted to Occur | Not Expected to Occur | Not Able To Make Determination |
| | | | | X |
| X | | | | |
| | | | | X |
| | | | X | |
| _ | X | X | Yes No Predicted to Occur X | to Occur Occur |

TYPE OF DETERMINATION:

Preliminary __ Or Approved _X_.

OPITIONAL ADDITIONAL INFORMATION SUPPORTING NJD:

Some wetlands on the subject property are connected to waters of the United States through non-tidal drainage ditches that were excavated through uplands. According to the preamble to 33CFR parts 320 through 330, on page 41217, Section 328.3: Definitions, "Non-tidal drainage and irrigation ditches excavated on dry land" are not considered to be waters of the United States. However, the USACE reserves the right on a case-by-case basis to determine that a particular water body within that category (non-tidal drainage ditch excavated from uplands) is a water of the United States. The USACE is unable to establish a historical natural connection to waters of the US or establish other grounds to exert jurisdiction over the wetlands on the property.

The USACE reviewed aerial photographs from 1950, 1961, 1969, 1979, 1989, 1990, 1995, 2002, and 2004, USGS 7.5 minute guadrangles and NWI maps of Port Ingleside, TX & Aransas Pass, TX, FEMA/FIRM maps, and two site visits to make this determination of no jurisdiction.

DETERMINATIONS OF NO JUSRIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

<u>SWG</u>

FILE NUMBER:

D-16648

REGULATORY PROJECT MANAGER:

Rea

Date: 01 March 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: y(Y/N)

At the project Site: n(Y/N)

Date: 01 March 2005

PROJECT LOCATION INFORMATION:

State: County:

Texas Haris

32

Center Coordinates of Site by Latitude & Longitude Coordinates Approximate Size of Site/Property (Including Uplands & in Acres) 29.92759;95.44677

Name of Waterway or Watershed

Greens Bayou

SITE CONDITIONS:

| Type of Aquatic | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 | 10-25 | 25-50 | > 50 | Linear | Unknown |
|------------------------|--------|--------|--------|------|-------|-------|------|--------|---------|
| Resources ¹ | | | | ac | ac | ac | ac | Feet | |
| Lake | | | | | | | | | |
| River | | | | · | | | | | |
| Stream | | | | | | | | | |
| Dry Wash | | | | | | | | | |
| Mud Flat | | | | | | | | | |
| Sand Flat | | | | | | | | | |
| Wetlands | | | | | | | | | X |
| Slough | | | | | | | | | <u></u> |
| Prairie Pothole | | | | | | | | | |
| Wet Meadow | | | | | | | | | |
| Playa Lake | | | | | | | | | |
| Vernal Pool | | | | | | | | | |
| Natural Pond | | | | | | | ļ | | |
| Other Water (Identify | | | | | | | 1 | | |
| Type) | | | | | | | | | |
| | | | | | | | | | |

Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-

| 2 | If Known | | If Unknown Use Best Professional Judgment | | | | | |
|---|----------|----|---|--------------------------|-----------------------------------|--|--|--|
| Migratory Bird Rule Factors ² | Yes | No | Predicted to Occur | Not Expected to Occur | Not able to Make Determination | | | |
| Is or would be used as habitat by birds protected by Migratory Bird Treaties? | | | | | Х | | | |
| Is or would be used as habitat by other migratory birds that cross state lines? | | | | | X | | | |
| Is or would be used as habitat for endangered species? | | | | | X | | | |
| Is used to irrigate crops sold in interstate commerce | | | | | X | | | |

² Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION:

PRELIMINARY _ or APPROVED x

ADDITIONAL INFORMATION SUPPORTING NJD:No Hydrolgical connection to any water of the United States

M

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

| DISTRICT OFFICE: | Galveston | | | | | | | | |
|---|---------------|-------------------------|-----------------|---------------|--|--------------|--|----------------------|---------------------|
| FILE NUMBER: | D-16275 | | | | | | | | |
| REGULATORY PROJECT MA | NAGER: | Dwayne Jo | ohnson | | | | Date: | | 3/23/2005 |
| PROJECT REVIEW/DETERMI | NATION CO | MPLETED: | In the office _ | | (Y/N) (Y/N) | | Date: Date: | | 3/23/2005 |
| PROJECT LOCATION INFOR State: County: Center Coordinates of Approximate Size of Si Name of Waterway or N | Site by Latit | ade & Lon (Including | gitudinal C | oordinates | | | Texas Harris 29° 50' 41' N/A Bear Cree | "N, 95° 42' 11" k | W |
| SITE CONDITIONS: | | | | | | | | | , |
| Type of Aquatic Resource ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | >50 ac | Linear Feet | Unknown |
| Lake | | | | | | | | | |
| River | | | | | | | | | |
| Stream | | | | | | | | | |
| Dry Wash | | | | | | | ļ | | |
| Mud Flat | | | | | | | | | |
| Sand Flat | | | | | ļ | | | | |
| Wetlands | XXXXXX | | | | ļ | | <u> </u> | | |
| Slough | | | | ļ | | | <u> </u> | | |
| Prairie Pothole | | | | | ļ | | <u> </u> | | |
| Wet Meadow | | | | | | | | | |
| Playa Lake | - | | | <u> </u> | | | - | | |
| Vernal Pool | | | ļ | | | | | + | |
| Natural Pond | | | | <u> </u> | | <u> </u> | <u> </u> | | |
| Other Water (Identify Type) | _ | | İ | | | | | | |
| Drainage Ditch/Fish ponds | | <u> </u> | <u>L</u> | | <u> </u> | | <u> </u> | <u> </u> | |
| 1 Check appropriate boxes th | at best des | cribe type | of isolated, | non-navig | able, intra- | state wate | r present a | nd best | |
| estimate for size for non-ju | | aquatic re | source are | a. | nown | 1 | | lf Unknown | |
| Migratory Bird Rule Factors ¹ | : | | | " | nown | İ | | rofessional J | udament |
| | | | | | 1 | Predicted | | spected to | Not Able to Make |
| | | | | Yes | No | to Occur | | Occur | Determination |
| Is or would be used as habit | at for birds | protected b | ov . | | | <u> </u> | | 1 | |
| Migratory Bird Treaties? | ut 101 D us | | ., | | ł | | | i | xxxxx |
| Is or would be used as habit | at by other r | nigratory b | irds that | | | | | | |
| cross state lines? | | • | | | | | | | XXXXX |
| Is or would be used as habit | at for endan | gered spec | cies? | | | | | | XXXXX |
| Is used to irrigate crops sold | in interstat | e commerc | ce? | | | | | | XXXXX |
| ¹ Check appropriate boxes the isolated, non-navigable, intra- | nat best des | cribe poter | ntial for app | plicability o | of the Migra | ntory Bird I | Rule to app | oly to onsite, r | non-jurisdictional, |
| TYPE OF DETERMINATION: | | | | Prelimina | | or | | l Xxxxxxx | |
| OPTIONAL ADDITIONAL INF | ORMATION | SUPPORT | ING NJD (e | e.g., discus | sion may i | nclude info | rmation re | viewed to ass | sess potential |

navigation or interstate commerce connections - 1 to 3 paragraphs): Project Area is out of 100-yr Floodplain and no hydrological or

Po

nexus connection exist.

DETERMINATIONS OF NO JUSRIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

CESWG-PE-RC

FILE NUMBER:

D-16615

REGULATORY PROJECT MANAGER:

Hudson

Date: 22 March 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: y(Y/N)

Date: 22 March 2005 & 4 March 2005

At the project Site: y(Y/N)

PROJECT LOCATION INFORMATION:

State:

County:

<u>Texas</u> <u>Harris</u>

Center Coordinates of Site by Latitude & Longitude Coordinates

29.5952°N, 95.3869°W

Approximate Size of Site/Property (Including Uplands & in Acres)

43 Acres Clear Creeek

Name of Waterway or Watershed

SITE CONDITIONS:

| Type of Aquatic | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 | 10-25 | 25-50 | > 50 | Linear | Unknown |
|------------------------|--------|--------|--------|------|-------|-------|------|--------|---------|
| Resources ¹ | | | | ac | ac | ac | ac | Feet | |
| Lake | | | | | | | | | |
| River | | | | | | | | | |
| Stream | | | | | | | | | |
| Dry Wash | | | | | | | | | |
| Mud Flat | | | | | | | | | |
| Sand Flat | | | | | | | | | |
| Wetlands | | | | | X | | | | |
| Slough | | | | | | | | | |
| Prairie Pothole | | | | | | | | | |
| Wet Meadow | | | | | | | | | |
| Playa Lake | | | | | | | | | |
| Vernal Pool | | | | | | | | | |
| Natural Pond | | | | | | | | | |
| Other Water (Identify | | | | | | | | | |
| Type) | | | | | | | | | |
| | | | | | | | | | |

¹Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

| | If Kı | nown | If Unknown Use Best Professional Judgment | | | | | |
|---|-------|------|---|--------------------------|-----------------------------------|--|--|--|
| Migratory Bird Rule Factors ² | Yes | No - | Predicted to Occur | Not Expected to Occur | Not able to Make Determination | | | |
| Is or would be used as habitat by birds protected by Migratory Bird Treaties? | | | | | X | | | |
| Is or would be used as habitat by other migratory birds that cross state lines? | | | | | Х | | | |
| Is or would be used as habitat for endangered species? | | | | | X | | | |
| Is used to irrigate crops sold in interstate commerce | | | | | X | | | |

² Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION:

PRELIMINARY _ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: Wetlands are located oustside of the 100-year floodplain, have no direct hydrological surface connection to a water of the U.S. and have no known nexus to interstate commerce.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

| DISTRICT OFFICE: | Galveston | | | | | | | | |
|--|-----------------|-------------|---------------|---------------|--------------|--------------------|--|-----------------------------|-----------------------------------|
| FILE NUMBER: | D-16873 | | | | | | | | |
| REGULATORY PROJECT MA | NAGER: | Dwayne Jo | ohnson | | | | Date: | | 3/27/2005 |
| PROJECT REVIEW/DETERMI | NATION COL | MPLETED: | In the office | YES | (Y/N) | | Date: | | 3/27/2005 |
| PROSECT REVIEW DETERMINE | MATION GO. | | | Site | | | Date: | | |
| PROJECT LOCATION INFORI State: County: Center Coordinates of Approximate Size of Si Name of Waterway or V | Site by Latito | | | | : | | Texas Harris 29° 46' 43' 1.95-ac Cary Bayo | 'N, 94° 56' 01" u | W |
| SITE CONDITIONS: | | | | | | | | | |
| Type of Aquatic Resource ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | >50 ac | Linear Feet | Unknown |
| Lake | | | | | | | | | |
| River | | | | | | | | | |
| Stream | | | | | | | | | |
| Dry Wash | | | | | | | | ļ | |
| Mud Flat | | | | | | | | | |
| Sand Flat | | | | | | | | | |
| Wetlands | XXXXXXX | | | | | | | | |
| Slough | | | | <u> </u> | | | | | |
| Prairie Pothole | | | | | | | | ļ | |
| Wet Meadow | | | | | | | | | |
| Playa Lake | | | | <u> </u> | | | | | |
| Vernal Pool | | | | | | | | | |
| Natural Pond | | | | • | | | | | |
| Other Water (Identify Type) | | | | | | | | | |
| Drainage Ditch/Fish ponds | | | |] |] | <u></u> | | | |
| 1 Check appropriate boxes th | at best desc | ribe type o | of isolated, | non-navig | able, intra- | state water | r present a | nd best | |
| estimate for size for non-ju | risdictional | aquatic res | source area | а. | | | | | |
| Migratory Bird Rule Factors ¹ | : | | | If K | nown | | Use Best P | lf Unknown rofessional J | |
| | | | | Yes | No | Predicted to Occur | | pected to Occur | Not Able to Make Determination |
| Is or would be used as habita | at for birds p | rotected b | у | | | | | | |
| Migratory Bird Treaties? | | | | | ļ | <u> </u> | <u> </u> | | XXXXX |
| Is or would be used as habita | at by other m | nigratory b | irds that | | | | | 1 | |
| cross state lines? | | | | | | | | | XXXXX |
| is or would be used as habita | at for endang | ered spec | ies? | | | <u> </u> | <u> </u> | <u></u> | XXXXX |
| Is used to irrigate crops sold | l in interstate | commerc | :e? | |] | <u> </u> | 1 | | XXXXX |
| ¹ Check appropriate boxes thisolated, non-navigable, intra | | | | olicability o | f the Migra | itory Bird F | Rule to app | ly to onsite, n | on-jurisdictional, |
| TYPE OF DETERMINATION: | | | | Prelimina | ry | or | Approved | Xxxxxxx | |

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Project Area is out of 100-yr Floodplain and no hydrological or nexus connection exist.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

| DISTRICT OFFICE: | CESWG | | | | | | | | |
|---|------------------------------|--------------------------|---------------------------------------|--------------------------|--------------|--------------------|--|-----------------------------|-----------------------------------|
| FILE NUMBER: | D-16766 | | <u> </u> | | | | | | |
| REGULATORY PROJECT MA | NAGER: | Dwayne Jo | ohnso <u>n</u> | ···· | | | Date: | | 1/4/2004 |
| PROJECT REVIEW/DETERMII | NATION CO | | In the office _ At the Project | | | | Date: Date: | | 1/4/2004 |
| PROJECT LOCATION INFORM State: County: Center Coordinates of Sinapproximate Size of Sinapproximate Size of Sinapproximate Size of Sinapproximate Size of Sinapproximate Size of Sinapproximate Size of | Site by Latit te/Property | ude & Long (Including | gitudinal C Uplands & | oordinates In Acres): | : | | Texas Chambers 29° 42' 49' N/A Cedar Bay | 'N, 94° 55' 15" | W |
| SITE CONDITIONS: | | | | | | | | | |
| Type of Aquatic Resource ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | >50 ac | Linear Feet | Unknown |
| Lake | | | | | | | | | |
| River | | | | | | | | | |
| Stream | | | | | | | | | |
| Dry Wash | | | | | | | | | |
| Mud Flat | T | | | | | | | | |
| Sand Flat | | | | | | | | | |
| Wetlands | XXXXXXX | | | | | | | | |
| Slough | | | | | | | | | |
| Prairie Pothole | | | | | | | | | |
| Wet Meadow | | | | | | | ļ | | |
| Playa Lake | | | | | <u> </u> | | ļ | | <u> </u> |
| Vernal Pool | | | | | | <u> </u> | | | |
| Natural Pond | | | | | | | | | |
| Other Water (Identify Type) | | | | | | | | | |
| Drainage Ditch/Fish ponds | | | | | | | | | |
| 1 Check appropriate boxes th | at best des | cribe type o | of isolated, | non-navig | able, intra- | state water | r present a | nd best | ··· |
| estimate for size for non-ju | risdictional | aquatic res | source area | 3. | | | | | |
| Migratory Bird Rule Factors ¹ | | | | If K | nown | , | | lf Unknown rofessional J | |
| | | | | Yes | No | Predicted to Occur | 1 | pected to Occur | Not Able to Make Determination |
| is or would be used as habita | at for birds | protected b | y | | | | | | |
| Migratory Bird Treaties? | • | | - | | | |] | | XXXXX |
| Is or would be used as habita | at by other r | nigratory b | irds that | | 1 | | | | |
| cross state lines? | • | | | | | | | | XXXXX |
| Is or would be used as habita | at for endan | gered spec | ies? | | | | | | XXXXX |
| Is used to irrigate crops sold | | | | | | | | <u></u> | XXXXX |
| ¹ Check appropriate boxes th isolated, non-navigable, intra | at best des | cribe poter | tial for app | olicability o | of the Migra | itory Bird F | Rule to app | ly to onsite, r | on-jurisdictional, |
| TYPE OF DETERMINATION: | • | | · · · · · · · · · · · · · · · · · · · | Prelimina | ry | or | Approved | i Xxxxxx | |

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

DETERMINATIONS OF NO JUSRIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: **SWG**

D-16309 FILE NUMBER:

Date: 11 February 2005 REGULATORY PROJECT MANAGER: **REA**

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: y(Y/N) Date:09 February 2005

At the project Site: (Y/N)

PROJECT LOCATION INFORMATION:

Texas State: **Harris** County:

29 52' 6"; 95 27' 18" Center Coordinates of Site by Latitude & Longitude Coordinates 26.0

Approximate Size of Site/Property (Including Uplands & in Acres)

Whiteoak Bayou Name of Waterway or Watershed

SITE CONDITIONS:

| Type of Aquatic | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 | 10-25 | 25-50 | > 50 | Linear | Unknown |
|------------------------|--------|--------|--------|------|-------|-------|------------|-------------|----------|
| Resources ¹ | | | | ac | ac | ac | ac | Feet | |
| Lake | | | | | | | | | |
| River | | | | | | | | | |
| Stream | | | | | | | | | |
| Dry Wash | | | | | | | | ļ <u></u> - | |
| Mud Flat | | | | | | | | | |
| Sand Flat | | | | | | | <u> </u> | | |
| Wetlands | | | | | | | | | <u>X</u> |
| Slough | | | | | | | ļ | | |
| Prairie Pothole | | | | | | | | | |
| Wet Meadow | | | | | | | ļ <u>.</u> | | |
| Playa Lake | | | | | | | | | <u> </u> |
| Vernal Pool | | | | | | | | | |
| Natural Pond | | | | | | | | | |
| Other Water (Identify | | | | | | | | | |
| Type) | | | | | | | | | |
| | | 1 | 1 | | | | | 1 | |

Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-

| 2 | If Known | | If Unknown Use Best Professional Judgment | | | | | |
|---|----------|----|---|--------------------------|-----------------------------------|--|--|--|
| Migratory Bird Rule Factors ² | Yes | No | Predicted to Occur | Not Expected to Occur | Not able to Make Determination | | | |
| Is or would be used as habitat by birds protected by Migratory Bird Treaties? | | | | | X | | | |
| Is or would be used as habitat by other migratory birds that cross state lines? | | | | | X | | | |
| Is or would be used as habitat for endangered species? | | | | | X | | | |
| Is used to irrigate crops sold in interstate commerce | | | | | X | | | |

² Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

PRELIMINARY _or APPROVED X TYPE OF DETERMINATION: ADDITIONAL INFORMATION SUPPORTING NJD: Area has no known nexus to interstate commerce, lies outside of the 100-year floodplain



DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

| DISTRICT OFFICE: | Galveston | | | | | | | | |
|---|--------------|-----------------|---------------------------------------|-------------|---------------|-------------|-----------------|--|------------------|
| FILE NUMBER: | D-16749 | | · · · · · · · · · · · · · · · · · · · | | | · | | | |
| REGULATORY PROJECT MANA | GER: | Dwayne Jo | ohnson | | | | Date: | | 2/24/2005 |
| PROJECT REVIEW/DETERMINA | ATION COM | IPLETED: | In the office | YES | (Y/N) | | Date: | | 2/24/2005 |
| 11002011212121 | | | At the Project | | (Y/N) | | Date: | | 12/15/2004 |
| PROJECT LOCATION INFORMA State: County: | | | | | | | Texas Harris | | |
| Center Coordinates of Si | | | | | | | 29° 36' 14" | N, 95° 18' 15"\ | |
| Approximate Size of Site Name of Waterway or W | | Including L | Jplands & In | Acres): | | | Clear Cree | k | 195 |
| Maille Of Water Way Of W | atel silea. | | | | | | | ······································ | |
| SITE CONDITIONS: | | | | | | | | | |
| Type of Aquatic Resource ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | >50 ac | Linear Feet | Unknown |
| Lake | | | | | | ļ | | | |
| River | | | <u> </u> | | | | | | <u> </u> |
| Stream | | | <u> </u> | | | | ļ | | <u> </u> |
| Dry Wash | | | | | | | <u> </u> | | |
| Mud Flat | | <u> </u> | | | | | ļ | | |
| Sand Flat | <u> </u> | | | | | | <u> </u> | <u> </u> | |
| Wetlands | XXXXX | | | | <u> </u> | | | ļ <u> </u> | |
| Slough | | | İ | | | | | | |
| Prairie Pothole | | <u> </u> | | | | <u> </u> | <u> </u> | | |
| Wet Meadow | <u> </u> | | | | | | <u> </u> | <u> </u> | |
| Playa Lake | | <u> </u> | | | | ļ <u>.</u> | | | |
| Vernal Pool | | | | | | | <u> </u> | | |
| Natural Pond | | | | | | | | | |
| Other Water (Identify Type) Dr | | | | | | | | | |
| Drainage Bitch/Fish ponds | XXXXXX | | | | .] | 1 | <u> </u> | | |
| 1 Check appropriate boxes that | best desc | ribe type o | f isolated, n | on-navigal | ble, intra-st | ate water p | resent and | best | |
| estimate for size for non-juris | sdictional a | iquatic res | ource area. | | | | | | |
| Migratory Bird Rule Factors ¹ : | | | | lf K | nown | | | if Unknown Professional Ju | udament |
| | | | | | 1 | Predicted | | xpected to | Not Able to Make |
| | | | | Yes | No | to Occur | | Occur | Determination |
| is or would be used as habitat | for birde n | rotected h | Migratory | | | 10 0000 | + | T | |
| | ioi biida p | iotected b | , mg.acor y | | | | | | xxxxx |
| Bird Treaties? Is or would be used as habitat | hy other = | laratory hi | irds that | | + | | | | 7.000 |
| I . | by Odiei II | ingitation y to | i us umi | | 1 | | i | | xxxxx |
| cross state lines? | for endance | ored enecl | ac? | | | | | | XXXXX |
| is or would be used as habitat | ioi enuanç | COMMOS | 1 2 | | | | | + | XXXXX |
| is used to irrigate crops sold in | | | | 1 | 4 | | <u> </u> | 4 | |
| 1 Check appropriate boxes tha | | | | cability of | tne Migrato | ry Bird Ru | e to apply | to onsite, non | -junsaictional, |
| Isolated, non-navigable, intra-s | tate aquat | c resource | агеа. | | | | | | |
| TYPE OF DETERMINATION: | | | | Prelimina | ry | or | Approved | XXXXXXX 1 | |

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Some wetlands do not sustain a hydrological connection nor in the 100 yr. Floodplain of Clear Creek

DETERMINATIONS OF NO JUSTIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

CESWG-PE-RC

FILE NUMBER:

D-17014

REGULATORY PROJECT MANAGER:

Hudson

Date: 7 March 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

Date: 7 March 2005

At the project Site: (Y/N)

PROJECT LOCATION INFORMATION:

State:

<u>Texas</u>

Harris

Center Coordinates of Site by Latitude & Longitude Coordinates Approximate Size of Site/Property (Including Uplands & in Acres) 29.9688°N, 95.5658°W

Name of Waterway or Watershed

37-acre Greens Bayou

SITE CONDITIONS:

| Type of Aquatic | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 | 10-25 | 25-50 | > 50 | Linear | Unknown |
|------------------------|--------|--------|----------|------------|-------|-------|------|----------|--------------|
| Resources ¹ | | | | ac | ac | ac | ac | Feet | |
| Lake | ļ | | | | | | | | |
| River | | | | | | | | | |
| Stream | | | | | | | | | |
| Dry Wash | | | | | | | | | |
| Mud Flat | | | | | | | | | |
| Sand Flat | | | | | | | | | |
| Wetlands | | X | | | | | | | |
| Slough | | | <u> </u> | ļ <u>.</u> | | | | <u> </u> | |
| Prairie Pothole | | | | | ļ | | | | |
| Wet Meadow | | | | ļ | | | | <u> </u> | |
| Playa Lake | | | | | | | | | |
| Vernal Pool | | | | ļ | | ļ | | | |
| Natural Pond | | | | | | | | | <u> </u> |
| Other Water (Identify | | | | | | | | | |
| Type) | | | | | | | | | |
| | | | | | | | | <u> </u> | |

Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-

| | If Kr | iown → | If Unknown Use Best Professional Judgment | | | | | |
|---|-------|---------------|---|--------------------------|-----------------------------------|--|--|--|
| Migratory Bird Rule Factors ² | Yes | No | Predicted to Occur | Not-Expected to Occur | Not able to Make Determination | | | |
| Is or would be used as habitat by birds protected by Migratory Bird Treaties? | | The Astronomy | | | X | | | |
| Is or would be used as habitat by other migratory birds that cross state lines? | | | | | X | | | |
| Is or would be used as habitat for endangered species? | | | | | X | | | |
| Is used to irrigate crops sold in interstate commerce | | | | | X on-jurisdictional isolated. | | | |

²Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION:

PRELIMINARY _ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD:wetlands located on the 37-acre tract are located outside of the 100-year floodplain of any known water of the United States, have no direct hydrological surface connection with any known water of the United States, have no known nexus to interstate commerce and are isolated

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK **COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

| DISTRICT OFFICE: | GALVEST | ON | | | | | | | |
|---|-----------------------------|----------------------------|--------------------------|--------------------------|---------------------------|--------------------|----------------|------------------------------------|-----------------------------------|
| FILE NUMBER: | D16622 | | | | | | | | F |
| REGULATORY PROJECT MAI | NAGER: | Johnson | | | | | Date: | | 2/3/2005 |
| PROJECT REVIEW/DETERMIN | NATION CO | MPLETED: | Y At the Project | Site | (Y/N) (Y/N) | | Date: Date: | | 2/3/2005 |
| PROJECT LOCATION INFORM State: County: Center Coordinates of S Approximate Size of Sit Name of Waterway or W | Site by Lati te/Property | tude & Long (Including | gitudinal C Uplands & | oordinates In Acres): | : | | | 'N, 95° 22' 49'' inty Flood Con | 118 |
| Type of Aquatic Resource ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | >50 ac | Linear Feet | Unknown |
| | V-1 40 | | | | | | | | |
| Lake | | | | | | | | | |
| River | | | <u> </u> | | | <u> </u> | | | |
| Dry Wash | <u> </u> | + | | | | | | | |
| Mud Flat | | | | | | | | | |
| Sand Flat | | - | | | | | | | |
| Wetlands | | | | | <u> </u> | | | | XXXXXXX |
| Slough | | - | | | | | | | |
| Prairie Pothole | - | | | | | | | | |
| Wet Meadow | | <u> </u> | | | | | | | |
| Playa Lake | <u> </u> | | | | | | | | |
| Vernal Pool | | | | | | | | | |
| Natural Pond | | | | | | | | | |
| Other Water (Identify Type) | | | | | | | | | |
| ¹ Check appropriate boxes th | | aribo tupo | of icolated | non-navic | able intra- | state water | r present a | nd best | |
| estimate for size for non-ju | riedictiona | Laquatic re | source are | a. | , , , , , , , , , , , , , | | | | |
| Migratory Bird Rule Factors | | | | If K | nown | | Use Best F | lf Unknown Professional J | |
| | | | | Yes | No | Predicted to Occur | | xpected to Occur | Not Able to Make Determination |
| is or would be used as habita | at for birds | protected I | by | | _ | | | 1 | VVV |
| Migratory Bird Treaties? | | | | | ļ | | | | xxx |
| Is or would be used as habit | at by other | migratory l | oirds that | | | 1 | | | VVV |
| cross state lines? | | _ | | | ļ | | | | XXX |
| Is or would be used as habit | at for enda | ngered spe | cies? | | | | | | IXXX |
| Is used to irrigate crops solo | l in intersta | te commer | ce? | | <u>.L</u> | <u> </u> | <u> </u> | | |
| ¹ Check appropriate boxes the isolated, non-navigable, intra | nat best de: a-state aqu | scribe pote atic resour | ntial for ap ce area. | plicability | of the Migra | atory Bird I | Rule to app | oly to onsite, | non-jurisdictional, |
| TYPE OF DETERMINATION: | | | | Prelimina | ary | ог | Approve | d XXXX | |

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): See memo

TYPE OF DETERMINATION:

MEMORANDUM FOR FILE

SUBJECT: D-16622; 118-Acres, Poarch-Swinbank, Harris County, Texas

- 1. The purpose of this memorandum is to verify a determination of jurisdiction on a 118-Acre tract for Poarch-Swinbank. The subject property is located off of Farrell Road in Houston, Harris County, Texas. SSCI is the environmental consultant that performed the determination.
- 2. Review of the report's aerial photography indicates no discernable wetland signatures. However the consultant did find some wetlands on the tract. The project site is not located within the 100-yr Floodplain. There is no evidence that any portion of the tract or its wetlands have a hydrological connection to another waterway or nearest ditch. Sheet flow on the tract has to flow over several acres of uplands before reaching a man made watercourse.
- 3. Based on the consultant's report and information, including site and aerial photos, NWI, USGS and Soil Survey Maps, I concur that if any wetlands exist on the subject site they would no be jurisdictional since they do not sustain a nexus to interstate commerce.

Dwayne Johnson Project Manager

DETERMINATIONS OF NO JUSTIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

Galveston District

FILE NUMBER:

D-16981

REGULATORY PROJECT MANAGER:

John Davidson

Date: 23 February

2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

Date: 18 February 2005

At the project Site: N(Y/N)

PROJECT LOCATION INFORMATION:

State:

County:

Center Coordinates of Site by Latitude & Longitude Coordinates Approximate Size of Site/Property (Including Uplands & in Acres)

Name of Waterway or Watershed

Texas Refugio

28-5-41.2764 N; 97-13-45.6996 W

40 acres Aransas River

| SITE CONDITIONS: | T 0 1 | 12 | 3-5 ac | 5-10 | 10-25 | 25-50 | > 50 | Linear | Unknown |
|------------------------|----------|----------|--------|--------------|--------------|--------------|--------------|------------------|--|
| Type of Aquatic | 0-1 ac | 1-3 ac | 3-3 ac | | ac | ac | ac | Feet | ļ |
| Resources ¹ | | | | ac | ac | | | | |
| Lake | <u> </u> | | | | | | | | |
| River | | <u> </u> | | | <u> </u> | | | | |
| Stream | | | ļ | | | | | | 1 |
| Dry Wash | | | | | | | | | |
| Mud Flat | | ļ | | | | ļ | | | |
| Sand Flat | | | | | | | | | X |
| Wetlands | | | | | | | | | |
| Slough | | | | | | | | | |
| Prairie Pothole | | ļ | ļ | - | | | + | | |
| Wet Meadow | | | | <u> </u> | | <u> </u> | | | |
| Playa Lake | | | | | | | | | |
| Vernal Pool | | | | <u> </u> | | - | | - | |
| Natural Pond | | | | | | | + | | <u> </u> |
| Other Water (Identify | | | | | 1 | | | | |
| Type) | | | | | | | | | |
| 1 | | 1 | į . | | | | <u> </u> | ata for size for | <u> </u> |

Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-

| jurisdictional aquatic resource area | If Known | | If Unknown Use Best Professional Judgment | | | | | |
|---|----------|----|---|--------------------------|-----------------------------------|--|--|--|
| Migratory Bird Rule Factors ² | Yes | No | Predicted to Occur | Not Expected to Occur | Not able to Make Determination | | | |
| Is or would be used as habitat by birds protected by Migratory Bird Treaties? | | | | | X | | | |
| Is or would be used as habitat by other migratory birds that cross state lines? | | | | | X | | | |
| Is or would be used as habitat for endangered species? | | | | | X | | | |
| Is used to irrigate crops sold in interstate commerce | | | | D. L lu to ongite n | on-jurisdictional, isolated, | | | |

²Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION:

PRELIMINARY X or APPROVED

ADDITIONAL INFORMATION SUPPORTING NJD:On the 1995 infrared aerial, it appears that wetland signatures are present on the 40-acre tract. The tract is located above the 100-year floodplain and no obvious surface hydrologic connections exist between the potential wetlands and the unnamed tributary to Copano Bay. D14981 continue

Therefore, any wetlands that may be present on the tract are isolated with no known nexus to interstate commerce. Therefore, they are not waters of the U.S. and are not subject to Section 404 of the Clean Water Act.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

| DISTRICT OFFICE: | Galvestor | n District | | | | | | | |
|---|----------------------|--------------|-----------------------------------|--------------|---------------|--------------|--------------|----------------|--------------------|
| FILE NUMBER: | D-15192/(| (01) | | | | | | | |
| REGULATORY PROJECT MA | NAGER: | Weitknec | ht | | | | Date: | | 24-Mar-05 |
| | INIATION O | OMBLETER | No. 1. 40 46 | | Υ | | Date: | | 24-Mar-05 |
| PROJECT REVIEW/DETERMI | INATION C | OMPLETEL | In the office _ At the Project | | r N | | Date: | | |
| | | | At the Project | Site | 14 | | Dato. | | |
| PROJECT LOCATION INFOR State: | MATION: | | | | | | Texas | | |
| County: | | | | | | | Fort Bend | | |
| Center Coordinates of S | Site by Lati | tude & Lon | gitudinal Co | ordinates: | | | 29 41' 31" | N, 95 48' 18" | |
| Approximate Size of Sit | | | Uplands & I | n Acres): | | | | | 980 |
| Name of Waterway or V | Vatershed: | | | | | | Austin-Oys | ter | |
| SITE CONDITIONS: | | | | | | | | | |
| Type of Aquatic Resource ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | >50 ac | Linear Feet | Unknown |
| Lake | | | | | | | <u> </u> | | |
| River | | | | | | | <u> </u> | | |
| Stream | | | | | | | | | |
| Dry Wash | | | | <u> </u> | | | <u> </u> | | |
| Mud Flat | | | _ | | | · | | | |
| Sand Flat | | | | | | | | - | x |
| Wetlands | | _ | | | | | | | |
| Slough | _ | | | | | 1 | | | |
| Prairie Pothole | | | | | | | | | |
| Wet Meadow | | | | | <u> </u> | | | | |
| Playa Lake | | _ | - | ļ | | | | | |
| Vernal Pool | | | | ļ | | | | | - |
| Natural Pond | | | - | | | | ļ | | <u> </u> |
| Other Water (Identify Type) | | | | | | | | | |
| | | | at leadated | non novis | able intra | ctate wate | r present a | nd hest | <u> </u> |
| Check appropriate boxes t estimate for size for non-judgments. | nat best de | escribe type | occurce are | , HUH-Haviç | jable, ilitia | State Wate | r present a | na bost | |
| | | ai aquatic i | esource arc | I If K | nown | T | | lf Unknown | |
| Migratory Bird Rule Factors | `: | | | "'` | | 1 | Use Best P | rofessional J | ludgment |
| ļ | | | | ., | | Predicted | Not Ex | pected to | Not Able to Make |
| | | | | Yes | No | to Occur | (| Occur | Determination |
| Is or would be used as habit Migratory Bird Treaties? | tat for bird | s protected | by | | | х | | | |
| is or would be used as habi | tat by othe | r migratory | birds that | | | | | | |
| cross state lines? | , | , | | | ì | x | <u> </u> | | |
| Is or would be used as habi | tat for enda | angered sp | ecies? | | | | | <u> </u> | X |
| Is used to irrigate crops sol | d in interst | ate comme | rce? | | | | Х | | <u> </u> |
| ¹ Check appropriate boxes t | hat hest de | escribe pot | ential for ap | plicability | of the Migr | atory Bird | Rule to app | oly to onsite, | non-jurisdictional |
| isolated, non-navigable, inti | ra-state aqu | uatic resou | rce area. | • | | | | | |
| TYPE OF DETERMINATION | PE OF DETERMINATION: | | | | ary | or | Approved | d X | |
| OPTIONAL ADDITIONAL IN | FORMATIO | N SUPPOR | TING NJD (| e.g., discus | ssion may i | nclude info | ormation re | eviewed to as | sess potential |

navigation or interstate commerce connections - 1 to 3 paragraphs):



MEMORANDUM FOR THE FILE

Subject: D-15192/(01); Jurisdictional Determination, Approximate 980 Acre, Sendero North Tracts, Near Flewellen, Fort Bend County, Texas

- 1. The total project site is 980 acres. Located within the project boundaries there are unknown amount of isolated wetlands. Some of these wetlands extend off of the subject tract, but the majority of them are contained within the project boundary. No project specifics were given with the jurisdictional determination request to ascertain which, if any, of these wetlands are to be filled.
- 2. The wetlands that were determined to be isolated were called so because they are completely outside the 100-year floodplain of a water of the United States, have no known nexus to interstate commerce, and are not part of a surface tributary system connecting to a navigable water of the United States.
- 3. No waters of the U.S. are present on the subject tract.

Glenn Weitknecht Regulatory Specialist

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

| DISTRICT OFFICE: | Galveston | District | <u></u> | | | | | | |
|--|------------------------------|----------------------------|-----------------------------------|---------------------------|--|---|---|------------------------------|-----------------------------------|
| FILE NUMBER: | D-16626 | | | | | | | | |
| REGULATORY PROJECT MA | NAGER: | Glenn Wei | tknecht | | | | Date: | | 3-Feb-05 |
| PROJECT REVIEW/DETERMI | INATION CO | MPLETED: | In the office _ At the Project | Site | y y | | Date: Date: | | 3-Feb-05 25-Jan-05 |
| PROJECT LOCATION INFOR State: County: Center Coordinates of S Approximate Size of SII Name of Waterway or W | Site by Latit te/Property | ude & Long (Including L | itudinal Co Jplands & I | oordinates: In Acres): | | | Teaxs Harris 29 34 31N West Galv | , 95 14 46W reston Bay | 15 |
| SITE CONDITIONS: | | 1 73 | <mark>ra ser ser</mark> j | The state of | | | | | Unknown |
| Type of Aquatic Resource | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | >50 ac | Linear Feet | Unknown |
| Lake River | | | | | | | | | |
| Stream | | | | | | | | <u> </u> | |
| Dry Wash | | | | | | | <u> </u> | ļ | |
| Mud Flat | | | | | | <u> </u> | | | |
| Sand Flat | | | | | <u> </u> | | | | |
| Wetlands | | | | Χ | | | | | |
| Slough | | | | | ļ | _ | | | |
| Prairie Pothole | | | | | ↓ | | | - | |
| Wet Meadow | | <u> </u> | | <u> </u> | | | | | |
| Playa Lake | | | | <u> </u> | | | | | |
| Vernal Pool | | | | | ļ | | - · | | |
| Natural Pond Other Water (Identify Type) | | | | | | | | | |
| ¹ Check appropriate boxes t | hat heet de | scribe type | of isolated | non-navio | able, intra | -state wate | r present | and best | |
| estimate for size for non- | urisdictiona | i aquatic re | source are | a. | | | | | |
| Migratory Bird Rule Factors | | | | lf K | nown | | | if Unknown Professional J | udgment |
| | | | | Yes | No | Predicted to Occur | *** ** ** *** *** | xpected to Occur | Not Able to Make Determination |
| Is or would be used as habi | tat for birds | protected | by | | | | | | |
| Migratory Bird Treaties? | | | - | | | X | <u> </u> | _ | |
| Is or would be used as habi | tat by other | migratory l | birds that | | | ŀ | | | 1 |
| cross state lines? | • | - | | | | X | | | |
| is or would be used as habi | | | | | | X | | | |
| In wood to irrigate crops so | ld in interst: | ate commer | ce? | | | 1 | <u>L</u> | <u> </u> | X |
| ¹ Check appropriate boxes isolated, non-navigable, int | that best de | scribe pote | ntial for ap | plicability | of the Migr | atory Bird | Rule to ap | ply to onsite, | non-jurisdictional, |
| TYPE OF DETERMINATION | | | | Prelimin | ary | or | Approve | ed X | |

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

MEMORANDUM FOR THE FILE

Subject: D-16626; Jurisdictional Determination, Pasadena Independent School District, 15 Acre Site, Riverstone Ranch, Harris County, Texas

- 1. The total project site is 15 acres. Located within the project boundaries are ≈10 acres of isolated wetlands. These wetlands extend off of the subject tract. No project specifics were given with the jurisdictional determination request to ascertain which, if any, of these wetlands are to be filled.
- 2. The wetlands that were determined to be isolated were called so because they are completely outside the 100-year floodplain of a water of the United States, have no known nexus to interstate commerce, and have no direct surface hydrological connection to a water of the United States.
- 3. No waters of the U.S. are present on the subject tract.

Glenn Weitknecht Regulatory Specialist

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

| DISTRICT OFFICE: | Galveston E | District | | | | | | | |
|--|-----------------------------|---------------------------|----------------------------|-------------------------|--|--|---|--|--|
| FILE NUMBER: | D-16942 | | | | | | | | |
| REGULATORY PROJECT MAN | AGER: | Glenn Welt | klnecht | | | 1 | Date: | | 28-Feb-05 |
| | | | | | 16 | 1 | Date: | | 28-Feb-05 |
| PROJECT REVIEW/DETERMIN | ATION COI | MPLETED: | In the office _ | 0.4- | y y | | Date: | | 23-Feb-05 |
| | | , | At the Project | Site | у | | | | |
| PROJECT LOCATION INFORM State: County: Center Coordinates of Si Approximate Size of Site Name of Waterway or Wa | te by Latitu /Property (| ide & Long Including L | itudinal Co Jplands & I | ordinates: n Acres): | | - | Texas Galveston 29 24' 13" 15 acres West Galv | N, 94 55' 26" W eston Bay | |
| SITE CONDITIONS: | | | | | | | | | |
| Type of Aquatic Resource ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | >50 ac | Linear Feet | Unknown |
| Lake | | | | | | | | | |
| River | | | | <u> </u> | | | | | |
| Stream | | | | <u> </u> | <u> </u> | <u> </u> | | | |
| Dry Wash | 1 | | <u> </u> | | | | | | |
| Mud Flat | | | <u> </u> | | | | | - | |
| Sand Flat | L | | <u> </u> | <u></u> | <u> </u> | | | | |
| Wetlands | | <u> </u> | Ļ | X | | | | † — — — — — — — — — — — — — — — — — — — | |
| Slough | | <u> </u> | | <u> </u> | | | | | |
| Prairie Pothole | | <u> </u> | ļ | | | | | | |
| Wet Meadow | | <u> </u> | | | | | | | |
| Playa Lake | | | | | | | | | |
| Vernal Pool | | | | + | | | | | |
| Natural Pond | | | | | | | - | | |
| Other Water (Identify Type) | | | | | | | | | |
| ¹ Check appropriate boxes th | | trans | of icolated | non-navi | nable, intra | -state wate | r present | and best | |
| 1 Check appropriate boxes th | nat best des | cribe type | OI ISOIATEG | a | ga ., | | | | |
| estimate for size for non-ju | Irisulctiona | aquano | ,30 til 00 til | If K | nown | | | If Unknown | |
| Migratory Bird Rule Factors | : | | | | _ | | | <u>Professional J</u> | udgment |
| | | | | | No | Predicted | Not E | xpected to | Not Able to Make |
| | | | | Yes | NO | to Occur | | Occur | Determination |
| Is or would be used as habit | at for birds | protected | by | | | | | 1 | |
| set Dird Troptice? | | | | | | Χ | | | |
| is or would be used as habit | at by other | migratory | birds that | | | 1 | | | 1 |
| arace state lines? | | | _ X | + | + | x | | | |
| is or would be used as habit | at for enda | ngered spe | ecies? | | | | | | |
| | | | | | X | | | | lumia diadia aa |
| Is used to irrigate crops solo 1 Check appropriate boxes to isolated, non-navigable, intr | hat best de | scribe pote | ential for a | oplicability | of the Mig | ratory Bird | Rule to ap | oply to onsite, | non-jurisdictiona |
| TYPE OF DETERMINATION | | | | Prelimin | ary | _ or | Approv | ed X | |

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

MEMORANDUM FOR THE FILE

Subject: D-16942; Jurisdictional Determination, Northside Elementary Tract, City of Texas City, Galveston County, Texas

- 1. The total project site is ≈ 15 acres. Located within the project boundaries are ≈ 6 or 7 acres of isolated wetlands. None of these wetlands extend off of the subject tract. The proposed project is to construct a single family residential subdivision on the site which would mean raising the entire site three to four feet.
- 2. The wetlands that were determined to be isolated were called so because they are completely outside the 100-year floodplain of a water of the United States, have no known nexus to interstate commerce, and are not part of a surface tributary system.
- 3. No waters of the U.S. are present on the subject tract.

Glenn Weitknecht Regulatory Specialist

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

| DISTRICT OFFICE: | Galveston | District | | | | | | | |
|--|----------------------------|-----------------------------|---------------------------------------|------------|--------------|---|-----------------------------|--|-----------------------------------|
| FILE NUMBER: | D-16617 | | | | | | | | |
| REGULATORY PROJECT MAN | IAGER: | Glenn Wei | tknecht | | | | 25-Feb-05 | | |
| PROJECT REVIEW/DETERMIN | IATION CO | MPLETED: | In the office _ | | у | | Date: | | |
| 111002011121121112111211 | | | At the Project | Site | У | | Date: | | 23-Feb-05 |
| PROJECT LOCATION INFORM State: County: Center Coordinates of Si Approximate Size of Site Name of Waterway or Wa | ude & Long (Including t | jitudinal Co Jplands & հ | ordinates: n Acres): | | | Texas Galveston 29 24' 48" 71 acres Galveston | N, 94 54' 42" W West Bay | V | |
| SITE CONDITIONS: | | | | | | | | | |
| Type of Aquatic Resource ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | >50 ac | Linear Feet | Unknown |
| Lake | | | | | | | | - | |
| River | | | | | | | | + | |
| Stream | | ļ | | | <u> </u> | | | | |
| Dry Wash | | | <u> </u> | | ļ | | | | |
| Mud Flat | <u> </u> | | | | | <u> </u> | <u> </u> | - | |
| Sand Flat | | | | | | | | | |
| Wetlands | | | x | | | <u> </u> | | | |
| Slough | | | | | <u> </u> | ļ | | | |
| Prairie Pothole | i | | | | <u> </u> | ļ | | <u> </u> | |
| Wet Meadow | | <u> </u> | | | | | | ļ | |
| Playa Lake | | <u> </u> | <u> </u> | ļ | ↓ | | | | |
| Vernal Pool | | L | | | ļ | <u> </u> | <u> </u> | | |
| Natural Pond | | | 1 | | <u> </u> | <u> </u> | | | |
| Other Water (Identify Type) | | | | | | | | | |
| ¹ Check appropriate boxes th | at hest des | cribe type | of isolated. | non-navig | able, intra- | state wate | r present a | nd best | |
| estimate for size for non-ju | risdictiona | l aquatic re | source are | a. | | | | | |
| Migratory Bird Rule Factors | | | · · · · · · · · · · · · · · · · · · · | lf K | nown | | | lf Unknown Professional J | |
| | | | | Yes | No | Predicted to Occur | 1 | pected to Occur | Not Able to Make Determination |
| Is or would be used as habita | at for birds | protected | by | | | | | 1 | |
| Migratory Bird Treaties? | | | | | | X | | | |
| Is or would be used as habita | at by other | migratory | birds that | Ī | 1 | | | | |
| cross state lines? | | | | <u> </u> | | X | | | <u></u> |
| Is or would be used as habita | cies? | | | | | <u> </u> | X | | |
| Is used to irrigate crops sold | i in intersta | ate comme | rce? | | X | | <u> </u> | | L |
| ¹ Check appropriate boxes the isolated, non-navigable, intra | ential for ap | plicability | of the Migr | atory Bird | Rule to ap | ply to onsite, i | non-jurisdictional, | | |
| TYPE OF DETERMINATION: | | | | Prelimin | ary | or | Approve | d X | |

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

MEMORANDUM FOR THE FILE

Subject: D-16617; Jurisdictional Determination, 71-Acre Tract, Pelican Harbour Subdivision, City of Texas City, Galveston County, Texas

- 1. The total project site is 71 acres. Located within the project boundaries are between 3 and 5 acres of isolated wetlands. Some of these wetlands extend off of the subject tract. No project specifics were given with the jurisdictional determination request to ascertain which, if any, of these wetlands are to be filled.
- 2. The wetlands that were determined to be isolated were called so because they are completely outside the 100-year floodplain of a water of the United States, have no known nexus to interstate commerce, and are not part of a surface tributary system.
- 3. No waters of the U.S. are present on the subject tract.

Glenn Weitknecht Regulatory Specialist

Him Julian

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

| DISTRICT OFFICE: FILE NUMBER: | D-13463(02) | |
|---|--|---|
| REGULATORY PROJECT MANAGER: | Andrew Williams | Date: 13 January 2005 |
| PROJECT REVIEW/DETERMINATION COMPLET | ED: In the office Y (Y/N) At the project site N (Y/N) | Date: <u>13 January 2005</u>) Date: <u>NA</u> |
| PROJECT LOCATION INFORMATION: State: County: Center coordinates of site by latitude & longit Approximate size of site/property (including to Name of waterway or watershed: | | 3 N, 95 42 46 W (NAD27) res |

SITE CONDITIONS:

| Type of aquatic resource1 | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear feet | Unknown |
|-----------------------------|--------|--------|-----------|---------|----------|----------|----------|----------------|----------|
| Lake | | | | | | | <u> </u> | | |
| River | | ļ | | | | | | | |
| Stream | | L | | | | <u> </u> | | <u> </u> | <u> </u> |
| Dry Wash | | | | | | | | | |
| Mudflat | | | | | | | | | |
| Sandflat | | | | | | | | | |
| Wetlands | | X | | | | | | | |
| Slough | | | | | | | | | |
| Prairie pothole | | | <u></u> . | | | <u> </u> | | | |
| Wet meadow | | | | | | | | | |
| Playa lake | | | | | | | | | |
| Vernal pool | | | | | | | | | |
| Natural pond | | | | | | | | | |
| Other water (identify type) | | | | | | | | | |

Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of nonjurisdictional aquatic resource area.

| Migratory Bird Rule Factors ¹ : | If Kı | 10WH | If Unknown Use Best Professional Judgment | | | | |
|---|-------|------|---|--------------------------|-----------------------------------|--|--|
| | Yes | No | Predicted to Occur | Not Expected to Occur | Not Able To Make Determination | | |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties? | | | | | X | | |
| Is or would be used as habitat by other migratory birds that cross state lines? | | | | | X | | |
| Is or would be used as habitat for endangered species? | | | | | X | | |
| Is used to irrigate crops sold in interstate commerce? Check appropriate boxes that best describe potential for applic | | | l | | X | | |

non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

| Preliminary | Or | Approved X | - |
|-------------|----|--------------|---|
|-------------|----|--------------|---|

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

D-13463
Determination of No Jurisdiction
Additional Information Supporting NJD

- 1. There is 1 isolated wetland located within the project boundary. The total isolated wetland acreage is approximately 2.5 acres and is located completely within project area.
- 2. This wetland is located completely outside of the 100-year floodzone. Based on the desk review, there were no obvious surface hydrological connections from it to any water of the United States.
- 3. No other waters of the United States, including adjacent wetlands are located on the site. This is an approved jurisdictional determination.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

| DISTRICT OFFICE: FILE NUMBER: | CESWG D-14497 | |
|---|-------------------------|------------------------------------|
| REGULATORY PROJECT MANAGER: | Andrew Williams | Date: 20 January 2005 |
| PROJECT REVIEW/DETERMINATION COMPI | | N (Y/N) Date: |
| PROJECT LOCATION INFORMATION: | | |
| State: | | <u>Texas</u> |
| County: | | <u>Brazoria</u> |
| Center coordinates of site by latitude & lo | | 29 31' 37" N, 95 23' 10" W (NAD27) |
| Approximate size of site/property (includi | ng uplands & in acres): | 112 acres |
| Name of waterway or watershed: | | Mustang Bayou |
| • | | |

SITE CONDITIONS:

| Type of aquatic resource ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear feet | Unknown |
|---------------------------------------|--------|--------|----------|---------|----------|----------|----------|----------------|---------|
| Lake | | | | | | | | | |
| River | | | | | | | | | |
| Stream | | | | 1 | | <u> </u> | <u> </u> | | |
| Dry Wash | | | | | | | | | |
| Mudflat | | | | • | | | | | |
| Sandflat | | | <u> </u> | | | | | | _ |
| Wetlands | | | X | | | | | | |
| Slough | | | | | | | | | |
| Prairie pothole | | | | | | | | | |
| Wet meadow | | | | | | | | | |
| Playa lake | | | | | | | | | |
| Vernal pool | | | | | | } | | | |
| Natural pond | | | | | | | | | |
| Other water (identify type) | _ | | | | | | | | |

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors ¹ : | If Known | | | If Unknown Use Best Professional Judgment | | | | |
|---|----------|----|-----------------------|---|-----------------------------------|--|--|--|
| | Yes | No | Predicted to Occur | Not Expected to Occur | Not Able To Make Determination | | | |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties? | | | | | X | | | |
| Is or would be used as habitat by other migratory birds that cross state lines? | | | | | X | | | |
| Is or would be used as habitat for endangered species? | | | | | X | | | |
| Is used to irrigate crops sold in interstate commerce? | | | | | X | | | |

TYPE OF DETERMINATION:

| Preliminary | Or | Approved_ | X |
|-------------|----|-----------|---|
| | | | |

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

D-14497 Determination of No Jurisdiction Additional Information Supporting NJD

- 1. There are approximately 8 isolated wetlands located within the project boundary. The total isolated wetland acreage is approximately 27.5 acres (rough estimate) with approximately 4.5 acres (rough estimate) of these isolated wetlands located within project area.
- 2. These 8 isolated wetlands are located completely outside of the 100-year floodzone. Based on the desk review and site visit, there were no obvious surface hydrological connections from them to any water of the United States.
- 3. Approximately 1 acre (rough estimate) of wetlands adjacent to Mustang Bayou or Cowart Creek is located on the site. This is an approved jurisdictional determination.

DETERMINATIONS OF NO JUSRIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

CESWG-PE-RC

FILE NUMBER:

D-16653

REGULATORY PROJECT MANAGER:

Hoth.

Date:27 October 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

Date: 10 January 2005

At the project Site: (Y/N)

PROJECT LOCATION INFORMATION:

State:

County:

Center Coordinates of Site by Latitude & Longitude Coordinates Approximate Size of Site/Property (Including Uplands & in Acres)

Name of Waterway or Watershed

<u>TX</u>

Galveston

29° 3<u>1</u>' 42"N, 95° 01' 1<u>6"</u>W

Clear Creek/Galveston Bay

| T 🐧 1 . | 1 2 | 3-5 ac | 5-10 | 10-25 | 25-50 | > 50 | Linear | Unknown |
|---------|--------|--|------|--------------|--|--|----------------|----------------------|
| 0-1 ac | 1-3 ac | 3-3 ac | | ŀ | 1 | ac | Feet | |
| | | | ac | ac | | | | |
| | | | | | | | | |
| | | ├ | | | | | | |
| | | | | | | | | |
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Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-

jurisdictional aquatic resource area If Unknown Use Best Professional Judgment If Known Not able to Make Migratory Bird Rule Factors² Not Expected to Predicted to No Determination Yes Occur Occur Х Is or would be used as habitat by birds protected by Migratory Bird Treaties? Is or would be used as habitat by other migratory birds that cross state lines? X Is or would be used as habitat for endangered species? X Is used to irrigate crops sold in interstate commerce

TYPE OF DETERMINATION:

PRELIMINARY X or APPROVED _

ADDITIONAL INFORMATION SUPPORTING NJD: The project site is outside the 100-year flood plain of a water of the United States and the wetlands on the site do not appear to have a surface hydrologic connection to a water of the United States. Therefore, the wetlands within the project area are isolated with no known nexus to interstate commerce. As such, no waters of the United States, including adjacent wetlands are present within the

²Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

D-16653 Continued

project site. Working or discharging dredged or fill material within the project site is not subject to Corps of Engineers jurisdiction pursuant to Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act of 1899 and will not require a Department of the Army permit.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

| DISTRICT OFFICE: | Galveston | | | | | | | | | | |
|--|---------------|--|--------------|--------------|--|---------------------------------|--|------------------|--------------------|--|--|
| FILE NUMBER: | D16859 | D16859 | | | | | | | | | |
| REGULATORY PROJECT MA | | | _ Date: | | 3/8/2005 | | | | | | |
| PROJECT REVIEW/DETERMINATION COMPLETED: in the office _ At the Project | | | | _yes Site | (Y/N) (Y/N) | | Date: Date: | | 3/8/2005 | | |
| PROJECT LOCATION INFORMATION: State: County: Center Coordinates of Site by Latitude & Longitudinal C Approximate Size of Site/Property (Including Uplands & Name of Waterway or Watershed: | | | | oordinates | : | | Texas Harris 29° 37' 36"N, 95° 09' 21"W N/A Armand Bayou | | | | |
| SITE CONDITIONS: | 1 | | · | 5-10 ac | 10-25 ac | 25-50 ac | >50 ac | Linear Feet | Unknown | | |
| Type of Aquatic Resource ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 29-30 ac | 730 ac | Linical 1 doi: | | | |
| Lake | | ļ | ļ | | | | | | | | |
| River | | ļ | | | | | | | | | |
| Stream | | | ļ — — · | | | | | | | | |
| Dry Wash | | - | | | | | | | | | |
| Mud Flat | | - | | | | | | | | | |
| Sand Flat | | | | _ | | | | | | | |
| Wetlands | | | - | | † | | | | | | |
| Slough | | | | | | | | | | | |
| Prairie Pothole | | | | | | | | | | | |
| Wet Meadow | | | | | | | | | | | |
| Playa Lake | | | | | | | | | | | |
| Vernal Pool | | | | | | | | | | | |
| Natural Pond Other Water (Identify Type) | | | | | | | | | | | |
| | 4 | | Sand Pits | | | | l | <u> </u> | | | |
| 1 Check appropriate boxes th | at hest des | scribe type | of isolated. | non-navig | able, intra- | state wate | r present a | nd best | | | |
| check appropriate boxes u | risdictiona | l aquatic re | source are | a. | | | | | | | |
| estimate for size for non-jurisdictional aquatic resource are Migratory Bird Rule Factors ¹ : | | | | If Known | | | If Unknown Use Best Professional Judgment | | | | |
| | | | | | 1 | Predicted Not Expected to Not A | | | Not Able to Make | | |
| | | | Yes | No | to Occur | 7 | Occur | Determination | | | |
| Is or would be used as habitat for birds protected by | | | | | | | | | xxxx | | |
| Migratory Bird Treaties? | | | Linda 4ha4 | ļ | | | + | | 7000 | | |
| is or would be used as habitat by other migratory birds that | | | | | | | | 1 | xxxx | | |
| cross state lines? | | | | | + | | + | | XXXX | | |
| Is or would be used as habitat for endangered species? | | | | | + | + | | | XXXX | | |
| Is used to irrigate crops sol | d in intersta | ate commer | cer | | | 4 | Deale de e | -lu to onoite | | | |
| ¹ Check appropriate boxes t | hat best de | scribe pote | ntial for ap | plicability | of the Migra | atory Bird | Kule to ap | ply to onsite, i | ion-jurisuicuonai, | | |
| isolated, non-navigable, intr | a-state aqu | atic resour | ce area. | | | | | d XXXXX | | | |
| THE OF DETERMINATION | | | | Prelimin | arv | or | Approve | u AAAAA | | | |

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Abandoned Sand Pits with no hydrological connections to another water of the US nor any nexus to interstate commerce.

TYPE OF DETERMINATION:

Preliminary